

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 311 of 1999

Between:

1. Giddaluri venkataramanaiah
2. Sk.Chan Basha
3. Sk.Khader Shafee
4. Sk.Rafee
5. M.Ramalinga Reddy
6. N.Karthikeeyan
7. D.Shankaraiah
8. M.S.Jainullauddin
9. Challa Venkatasubbaiah
10. Poluri Chenchuramaiah

..... PETITIONERS

AND

1. The Commissioner of Land Revenue, Govt. of A.P., Hyderabad
2. The District Collector, Nellore
3. The Revenue Divisional Officer, Gudur
4. The Mandal Revenue Officer, Gudur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the in action of the respondents in considering and finalizing the assignment proposals on the applications dt.24-9-98 submitted by the petitioners for assignment of small extents of land admeasuring 10 square yards to 24 square yards each comprised in Sy.No.577/4-2A of Gudur village and Mandal, Nellore Disrict in terms of G.O.Ms.No.972dt.4-12-98 and the further action of the respondents in seeking to evict the petitioners high handedly and demolish the stalls when the licences granted by the competent authority are subsisting as illegal, arbitrary, without jurisdiction and violatie of Art.14,19(1)(g) & 21 of the Constitution of India and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following :

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ORDER

In this Writ Petition, petitioners have questioned the action of the respondents in not taking decision, pursuant to their applications submitted on 24-9-1998, for assignment of land admeasuring 10 to 24 square yards each, in Sy.No. 577/4-2A of Gudur Village and Mandal, Nellore District, in terms of G.O.Ms.No. 972, dated 4-12-1998.

It is the case of the petitioners that they are in possession of the land, ranging from 10 to 24 square yards each in Sy.No. 577/4-2A of Gudur Village and Mandal, Nellore District. It is their case that in the above said land, they have constructed temporary dwelling houses for residing, and are doing petty business. It is stated that the income which they derive from the said petty business is only source of their livelihood. It is their claim that they are entitle for regularization of land in their occupation, in terms of G.O.Ms.No. 972, dated 4-12-1998. The petitioners have come up with this Writ Petition on the ground that though their applications for regularization, submitted on 24-9-1998, are still pending, the respondents are taking steps to dispossess them from the land in question.

In the counter affidavit filed on behalf of the respondents, it is stated that the

applications filed by the petitioners on 24-9-1998 claiming benefit under G.O.Ms.No. 972, dated 4-12-1998 are still in process. Further, it is stated that as the petitioners are doing business, they are not entitle to the benefit as per the said Government Order.

It is the case of the petitioners that they are residing and doing petty business in the land in question by constructing temporary dwelling houses; as such, they are entitle to the benefit of G.O.Ms.No. 972, dated 4-12-1998. On the other hand, it is stated in the counter affidavit that, as the petitioners are doing business, they are not entitle to the benefit of G.O.Ms.No. 972, dated 4-12-1998. Be that as it may, even as per the averments in the counter affidavit, no decision has been taken yet by the respondents regarding applicability of the benefits notified in G.O.Ms.No. 972, dated 4-12-1998. Inasmuch as it is stated that the applications of the petitioners dated 24-9-1998 are still pending consideration, I dispose of the Writ Petition directing the respondents to consider the applications of the petitioners, in accordance with G.O.Ms.No. 972, dated 4-12-1998 and communicate decision to them. Till claim of the petitioners is considered, and, decision is taken and communicated, the respondents are directed not to evict the petitioners from the land in their possession.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 30 -6-2004.

Tsnr/Msnr.

TO

1. The Commissioner of Land Revenue, Govt. of A.P., Hyderabad
2. The District Collector, Nellore
3. The Revenue Divisional Officer, Gudur
4. The Mandal Revenue Officer, Gudur
5. Two C.Cs to G.P for Revenue (OUT)
6. Two C.D. Copies